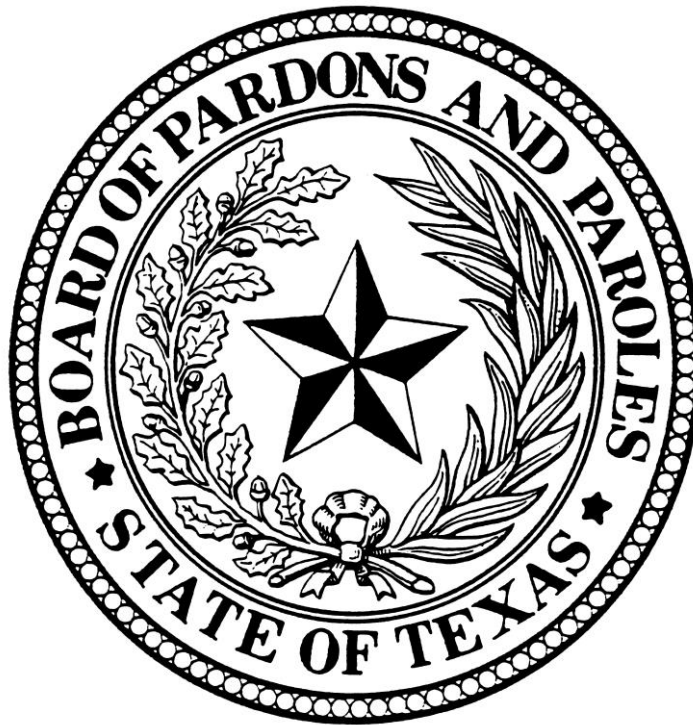


TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Meeting No. 18-1018



October 18, 2018

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

Board Meeting

Holiday Inn Austin Midtown
6000 Middle Fiskville Rd.
Elm Room
Austin, Texas

October 18, 2018

9:00 AM

Order of Business

1. Call to Order
2. Convene Texas Board of Pardons and Paroles Open Meeting
3. Recognitions
4. Consent Item – Minutes for the August 22, 2018 Board Meeting
5. Discussion and Consideration of Board Policy, BPP-POL. 145.250 Special Condition “C” (Prohibited Financial Activities)
6. Discussion and Consideration of Board Policy, BPP-POL. 141.200 Board of Pardons and Paroles Mission Statement
7. Discussion and Consideration of Board Policy, BPP-POL. 141.300 Handgun Policy
8. Discussion and Consideration of Board Policy, BPP-POL. 145.200 Extraordinary Vote (SB 45)
9. Discussion and Consideration of Board Policy, BPP-POL. 145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences
10. Discussion and Consideration of Board Policy, BPP-POL. 145.204 Medically Recommended Intensive Supervision
11. Discussion and Consideration of Board Policy, BPP-POL. 148.200 Sex Offender Conditions – Releasee Not Convicted of a Sex Offense
12. Final Re-Adoption without Amendments in 37 TAC, Chapter 145
 - A. §145.6 Notification of Parole Panel Decision
 - B. §145.7 Initial Review
 - C. §145.11 Review Date Subject to Change
 - D. §145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ CID)
 - E. §145.22 Conditions and Rules of Parole
 - F. §145.23 Texas Offenders Supervised in Other States
 - G. §145.24 Out-of-State Offenders Supervised in Texas
13. Final Re-Adoption with Non-Substantive Amendments in 37 TAC, Chapter 145
 - A. §145.1 Parole Decision-Maker
 - B. §145.2 Standard Parole Guidelines

- C. §145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
 - D. §145.9 Parole Interview
 - E. §145.12 Action upon Review
 - F. §145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing
 - G. §145.14 Action upon Review; Release to Mandatory Supervision
 - H. §145.16 Action upon Special Review--Release Approved
 - I. §145.17 Action upon Special Review--Release Denied
 - J. §145.18 Action upon Review; Extraordinary Vote (HB 1914)
 - K. §145.20 Parole Certificate
 - L. §145.27 Personal Identification Program
14. Final Re-Adoption with Substantive Amendments in 37 TAC, Chapter 145
- A. §145.15 Action upon Review; Extraordinary Vote (SB 45)
15. Convene Texas Board of Pardons and Paroles Closed Meeting - Executive Session
- A. Consultation with Legal Counsel Regarding Pending or Contemplated Litigation or Settlement Offers; to Receive Legal Advice on Items Posted on this Agenda (Closed in accordance with Section 551.071, Government Code).
 - B. Consultation with Legal Counsel on Matters Where the Texas Board of Pardons and Paroles Seeks the Advice of its Attorney as Privileged Communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Closed in accordance with Section 551.071, Government Code).
 - C. Annual Parole Guidelines Meeting to Review and Discuss the Parole Guidelines and Range of Recommended Parole Approval Rates. (Closed in accordance with Section 508.144b, Government Code).
16. Reconvene Texas Board of Pardons and Paroles Open Meeting
17. Discussion and Consideration of Parole Guidelines – Lee Ann Eck-Massingill, Parole Commissioner
18. Adjourn



MINUTES OF THE TEXAS BOARD OF PARDONS AND PAROLES BOARD MEETING THURSDAY, OCTOBER 18, 2018

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, October 18, 2018, at 9:00 a.m., Holiday Inn Austin Midtown, 6000 Middle Fiskville Rd., Elm Room, Austin, Texas.

BOARD MEMBERS PRESENT

David Gutiérrez
Carmella Jones
James LaFavers
Brian Long
Fred Rangel
Ed Robertson
Fred Solis

PAROLE COMMISSIONERS PRESENT

Lee Ann Eck-Massingill
Ira Evans
Troy Fox
Tony Garcia
Gerald Garrett
Raymond Gonzalez
Marsha Moberley
James Hensarling
James Kiel
Anthony Ramirez
Wanda Saliagas
Charles Speier
Roel Tejada

OTHERS PRESENT

Bettie Wells, General Counsel
Timothy McDonnell, Chief of Staff
Jessica Dillard, Board Administrator
Kyle Britt, Budget Director
Raymond Estrada, Director, Public Information
Rachel Alderete, Director, Hearing Operations
Veronica Muraira, Director, Administrative Support
Joe Lange, Director, Staff Development
Tracy Long, Director, Institutional Parole Operations
Robin Biscamp, Deputy Director, Institutional Parole Operations
Libby Hamilton, Board Victim Services Program Liaison
Terence Hall, Systems Analyst
Estela DeHoyos, Program Supervisor
Jessica Guerrero, Program Specialist
Kelsey Stratton, Technical Writer
Matthew Schlosser, Multimedia Technician
Roel Benavides, Clerk, House Corrections Committee

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chairman) David Gutiérrez convened the meeting of October 18, 2018 at 9:00 a.m. in accordance with Chapter 551, Texas Government Code, Open Meetings Act. After roll call, the Chairman stated a quorum was present and declared the meeting open.

RECOGNITIONS

Chairman Gutiérrez recognized the Board Members and Commissioners present.

Chairman Gutiérrez recognized the Board employees who have dedicated 5, 10, 20, 30, 35, and 45 years of service to the state of Texas. He expressed his deepest gratitude for their service. Additionally, Chairman Gutiérrez presented state service awards to Board Member Federico Rangel for 10 years of service; Parole Commissioner Anthony Ramirez for 20 years of service; Parole Commissioner Elvis Hightower for 35 years of service; and Parole Commissioner Troy Fox for 45 years of service. He highlighted their careers and thanked them for their hard work, dedication and service.

NAMES OF SERVICE AWARD RECIPIENTS (ATTACHMENT A)

Chairman Gutiérrez recognized the employees that retired since the last Board Meeting, August 22, 2018.

NAMES OF BOARD RETIREES (ATTACHMENT B)

CONSENT ITEMS

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Item listed on the agenda prior to the meeting; he asked if there were any objections. Hearing no objections, the Board approved the minutes from the August 22, 2018 Board Meeting.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL 145.250 SPECIAL CONDITION “C” (PROHIBITED FINANCIAL ACTIVITIES (*ATTACHMENT C*))

Chairman Gutiérrez yielded the floor to Board Member Ed Robertson, Chair of the Special Condition Workgroup to present for discussion and consideration Board Policy, BPP-POL.145.250 Special Condition “C” (Prohibited Financial Activities).

Mr. Robertson discussed the proposed amendments to Board Policy 145.250, stating the policy was reviewed by the Special Condition Workgroup and presented to the Board at the October 2017 Board Meeting. The revised policy was not adopted at that time due to corresponding changes needing to be made in the Offender Information Management System (OIMS). Upon review of the policy, the Workgroup determined having a bank account is essential nowadays and the parole panel should be responsible for identifying the components needed to be imposed instead of supervising the parole officer as the current policy authorizes.

Motions

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.145.250 Special Condition “C” (Prohibited Financial Activities), as presented.

Mr. LaFavers seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.200 BOARD OF PARDONS AND PAROLES MISSION STATEMENT (*ATTACHMENT D*)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel to present for discussion and consideration Board Policy, BPP-POL. 141.200 Board of Pardons and Paroles Mission Statement.

Ms. Wells discussed the proposed amendments to Board Policy 141.200, which include cleanup language to the Mission Statement as a reference to Clemency duties and responsibilities for Board Members.

Motions

Mr. LaFavers moved to adopt the revisions to Board Policy, BPP-POL.141.200 Board of Pardons and Paroles Mission Statement, as presented.

Mr. Solis seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.300 HANDGUN POLICY (*ATTACHMENT E*)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel to present for discussion and consideration Board Policy, BPP-POL. 141.300 Handgun Policy.

Ms. Wells stated Board Policy 141.300 was being presented as part of the annual review. The proposed revisions to the policy include non-substantive changes; page two of the policy contains a formatting change.

Motions

Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL.141.300 Handgun Policy, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.200 EXTRAORDINARY VOTE (SB 45) (ATTACHMENT F)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel to present for discussion and consideration Board Policy, BPP-POL. 145.200 Extraordinary Vote (SB 45).

Ms. Wells stated the proposed revisions to the Board Policy 145.200 consist of cleanup language noted on page one of the policy.

Motions

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.145.200 Extraordinary Vote (SB 45), as presented.

Mr. Robertson seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.203 ELIGIBILITY FOR RELEASE; CONSECUTIVE (CUMULATIVE) FELONY SENTENCES (ATTACHMENT G)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel to present for discussion and consideration Board Policy, BPP-POL. 145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences.

Ms. Wells stated Board Policy 145.203 was being presented as part of the annual review. The proposed revisions to the policy include minor, non-substantive changes. The substantive change is on page two of the policy, which consists of language clarification specifically to sentence time credit calculations.

Motions

Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL.145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences, as presented.

Mr. Solis seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.204 MEDICALLY RECOMMENDED INTENSIVE SUPERVISION (ATTACHMENT H)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel to present for discussion and consideration Board Policy, BPP-POL. 145.204 Medically Recommended Intensive Supervision.

Ms. Wells stated Board Policy 145.204 was being presented as part of the annual review. The proposed revisions to the policy include non-substantive and formatting changes as well as acronyms for consistency when presenting the various policies to the Board. The policy also reflects the intellectual disability language changed throughout the statute.

Motions

Mr. Solis moved to adopt the revisions to Board Policy, BPP-POL.145.204 Medically Recommended Intensive Supervision, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.148.200 SEX OFFENDER CONDITIONS – RELEASEE NOT CONVICTED OF A SEX OFFENSE (ATTACHMENT I)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel to present for discussion and consideration Board Policy, BPP-POL. 148.200 Sex Offender Conditions – Releasee Not Convicted of a Sex Offense.

Ms. Wells stated Board Policy 148.200 was being presented as part of the annual review. The proposed revisions to the policy include non-substantive and formatting changes.

Motions

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.148.200 Offender Conditions – Releasee Not Convicted of a Sex Offense, as presented.

Mr. LaFavers seconded the motion, which prevailed when called for a voice vote.

BOARD RULES (ATTACHMENT J)

Chairman Gutiérrez yielded the floor to Board Member James LaFavers, Chair of the Rules Committee to present the rules listed in agenda items 12 through 14.

Mr. LaFavers, as an ongoing review of the Board's rules, discussed the amendments and modifications made to the various rules and presented the rules for adoption.

FINAL RE-ADOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 145

Mr. LaFavers stated the Board previously approved the initial re-adoption of the rules listed in agenda item 12 and it has been more than 30 days since they were posted to the Texas Register. The General Counsel reports that no comments were received.

Motions

Mr. Rangel moved for the final re-adoption without amendments, Chapter 145, §145.6 Notification of Parole Panel Decision, §145.7 Initial Review, §145.11 Review Date Subject to Change, §145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ CID), §145.22 Conditions and Rules of Parole, §145.23 Texas Offenders Supervised in Other States, §145.24 Out-of-State Offenders Supervised in Texas, as presented.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

FINAL RE-ADOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 145

Mr. LaFavers stated the Board previously approved the initial re-adoption of the rules listed in agenda item 13 and it has been more than 30 days since they were posted to the Texas Register. The General Counsel reports that no comments were received. Also, since the posting of the rules in the Texas Register, the Board approved revisions to Board Policy 145.207 Extraordinary Vote (HB 1914). Board Rule 145.18 Extraordinary Vote (HB 1914), was amended to include the revised language in the Board's policy for consistency.

Motions

Mr. Rangel moved for the final re-adoption with non-substantive amendments, Chapter 145, §145.1 Parole Decision-Maker, §145.2 Standard Parole Guidelines, §145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles, §145.9 Parole Interview, §145.12 Action upon Review, §145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing, §145.14 Action upon Review; Release to Mandatory Supervision, §145.16 Action upon Special Review--Release Approved, §145.17 Action upon Special Review--Release Denied, Extraordinary Vote (HB 1914), §145.20 Parole Certificate, §145.27 Personal Identification Program, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

Motions

Mr. Rangel moved for the final re-adoption with substantive amendments, Chapter 145, §145.18 Action upon Review; Extraordinary Vote (HB 1914), as presented.

Mr. Robertson seconded the motion, which prevailed when called for a voice vote.

FINAL RE-ADOPTION WITH SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 145

Mr. LaFavers stated the Board previously approved the initial re-adoption of the rule listed in agenda item 14 and it has been more than 30 days since they were posted to the Texas Register. The General Counsel reports that no comments were received. Also, since the posting of the rule in the Texas Register, the Board approved revisions to Board Policy 145.200 Extraordinary Vote (SB 45). Board Rule 145.15 Action upon Review; Extraordinary Vote (SB), was amended to include the revised language in the Board's policy for consistency.

Motions

Mr. Rangel moved for the final re-adoption with substantive amendments, Chapter 145, §145.15 Action upon Review; Extraordinary Vote (SB 45), as presented.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

EXECUTIVE SESSION

Chairman Gutiérrez recessed the Regular Session at 9:30 a.m. and convened the Board into Executive Session (closed under Section 551.071, Government Code).

RECONVENE TEXAS BOARD OF PARDONS AND PAROLES

Chairman Gutiérrez convened the Board back into Regular Session at 10:39 a.m. and proceeded with the order of business.

ADJOURNMENT

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board Meeting at 10:39 a.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 17th DAY OF JANUARY, 2019.



DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)